

NEBRASKA ADMINISTRATIVE CODE

Title 47 – DEPARTMENT OF BANKING AND FINANCE

Chapter 5 – REPORTS; CALL REPORTS

001 AUTHORITY.

001.01 This Rule has been promulgated pursuant to authority delegated to the Director of the Department of Banking and Finance (“Department”) in Neb. Rev. Stat. §§ 8-3023 and 8-3031 of the Nebraska Financial Innovation Act (“Act”).

001.02 Any terms used within this Rule shall have a definition consistent with the definitions contained within Neb. Rev. Stat. § 8-3003 and Neb. Rev. Stat. § 8-101.03. In the event of any inconsistency between definitions in these Sections, the Act shall control.

001.03 The Department has determined that this Rule is in the public interest.

001.04 The Director may, on a case-by-case basis, and with prior written notice to the affected person, require adherence to additional standards or policies, as deemed necessary in the public interest.

002 REPORTS.

002.01 Any and all reports required to be provided under the Act are required to be provided in the form and manner developed by, authorized by, or otherwise approved for use by the Director, and are to be complete and attested to as accurate.

002.01A The failure to provide any required report in the form and manner in which it is required to be provided, shall constitute a failure to provide such report under Neb. Rev. Stat. § 8-3029, and shall subject the required filer of such report to the imposition of a fee of five thousand dollars (\$5,000.00) for each day that the report is not provided in the required form and manner.

002.01B In accordance with Neb. Rev. Stat. § 86-611, any report that requires a signature from a representative of a digital asset depository may be signed by a digital signature, if it comports to the requirements contained within Neb. Rev. Stat. § 86-611.

002.01C The failure to provide any required report in a completed manner, containing all of the information to be provided within such report, shall constitute a failure to provide such report under Neb. Rev. Stat. § 8-3029, and shall subject the required filer of such report to the imposition of a fee of five thousand dollars (\$5,000.00) for each day that the report is not provided in the required form and manner.

002.01D The submission or filing of any report required under the Act to the Department, shall constitute an attestation by the person making such

submission or filing that the information contained within such report is accurate to the best of that person's knowledge.

003 CALL REPORTS.

003.01 The term "call report" is defined as a recurring financial report of the digital asset depository's operations, financial condition, and production over a specific period of time, which allows for the Department to assess the financial health and risk profile of the depository.

003.02 Digital asset depositories shall be required to file call reports on a monthly basis. Such call reports shall be on forms prescribed by the Director and shall contain all required information under such form.

003.03 A digital asset depository, which is also an existing financial institution may file a consolidated call report featuring required non-digital asset depository call reporting data, together with all digital asset depository specific data.

003.04 Failure to file any required call report may result in the Department taking administrative action as set forth in the Act and pursuant to the other provisions of this Rule.

004 REPORTS REQUIRED PURSUANT TO FEDERAL LAW.

004.01 Digital asset depositories shall comply with all federal financial institution reporting or notice requirements, which includes, but is not limited to:

004.01A Anti-Money Laundering and Countering the Financing of Terrorism rules and regulations;

004.01B Office of Foreign Assets Control; and

004.01C Financial Crimes Enforcement Network requirements regarding Know Your Customer or due diligence performance.

005 COMPUTATION OF TIME.

005.01 In computing time prescribed or allowed by any applicable statute or rule in which the method of computing time is not specifically provided, days will be computed by excluding the day of the act or event and including the last day of the period. If the last day of the period falls on a Saturday, Sunday, or legal holiday, the period shall include the next business day.